Great Britain. Comm. Quæſtn 8223.e/26 No. 36.

REASONS *for Supporting the under-written* Clauſe, *in the* Greenwich-Hoſpital *BILL.*

The CLAUSE.

AND be it further Enacted *by the Authority aforeſaid, That in caſe there is or ſhall be any Diſpute or Controverſy touching the Agency for the ſaid Officers and Seamen, That then ſuch Perſon or Perſons only ſhall be the Agent or Agents for the ſaid Officers and Seamen as are or ſhall be Adjudged or Sentenced by the High Court of Admiralty, to be thereunto Lawfully Appointed by the Major Part of the ſaid Officers on their Behalfs, and by the Major Part of Seamen the on their Behalfs.*

Sexto Anne Reginæ. BY the Act of Cruiſers and Convoys, it is directed, That the ſole Intereſt and Property of ſuch Prizes as ſhall be Taken, (after Condemnation in the Court of Admiralty) ſhall be taken and adjudged to the uſe of ſuch Officers, Seamen and Others, who ſhall be actually on Board the Ships of War or Privateers, who ſhall take ſuch Prizes, which are to be ſold by ſuch Perſons as ſhall be appointed by the Major Part of the Officers, taking ſuch Ships, to be divided according as in the ſaid Act is mention'd.

The ſame Year. BY the Act for the Encouraging the Trade to *America*. That the Officers and Seamen of every Man of War or Privateer, ſhall have the ſole Property and Intereſt in all Ships and Goods, Taken in any Part of *America* (being adjudg'd Prize) to be divided in ſuch Proportions as by the ſaid Act is directed. And it is further directed, That upon Sale of any Prizes, Publick Notice ſhall be given by the Agents appointed as aforeſaid, of the Time of Payment of the Captors Shares, which if not claim'd or receiv'd within Three Years after ſuch Notice, ſuch Shares remaining in any Agents Hands, are to go and be paid to the uſe of *Greenwich-Hoſpital*.

20 May Septimo Anne. BY Her Majeſty's Proclamation reciting the foregoing Acts, and giving Directions for the Explanation and Performance of the ſame, there is alſo added, this following Clauſe.

And to the End that the Governors of Greenwich-Hoſpital, *may know who are the Perſons or Agents Imployed to Receive and Pay the ſeveral Shares of ſuch Perſons as were on Board the Ship or Ships, who ſhall take any Prize, ſo as to Demand the Share of ſuch of the Captors who ſhall Dye or Run from the Service, or ſhall not legally make their Demand within Three Years, Our Royal Will and Pleaſure is, That a true Liſt of the Names of ſuch Perſons as ſhall be ſo appointed Agents for the Purpoſes aforeſaid, ſhall be forthwith Certified to the Governor or Deputy-Governor for the time being, of the ſaid Hoſpital, by Our High Court of Admiralty, who* upon Delivery *of any Prize-Ship or Veſſel, is hereby Required to take an Account of the Names of ſuch Perſons as are or ſhall be appointed Agents by the Captors.*

BY the Bill now depending touching *Greenwich-Hoſpital*, after reciting the Act of Cruiſers and Convoys; It is Propos'd to be Enacted, That all Agents and Others who have or ſhall hereafter diſpoſe of any ſuch Prizes, ſhall within the ſpace of next after the Firſt Payment to the Captors of ſuch Prize, tranſmit to the Treaſurer of *Greenwich-Hoſpital*, or his Deputy, an Account of the produce of ſuch Prizes, and of his Payments, to the ſaid Captors, and further that all Agents who have or ſhall diſpoſe of any Prizes, that ſhall receive and diſpoſe of any Bill or Bills for the value of ſuch Prizes, ſhall within one Calendar Month after the Three Years limitted by the ſaid Act, make out an exact Account of the produce of ſuch Prizes, and of their Payments to the ſeveral Captors, and a true Account upon Oath of what Monies are then remaning in their Hands: Which Accounts being Atteſted upon Oath, are to be deliver'd to the Treaſurer of *Greenwich-Hoſpital*, or to his Deputy, together with ſuch Money as then remains in their Hands.

BY another Clauſe in the ſaid Bill it is Enacted, That all Perſons neglecting or refuſing to tranſmit ſuch Accounts or make ſuch Payments, ſhall Forfeit to the uſe of the ſaid *Hoſpital*, the Sum of to be Recovered with Coſts, and that if any Deceit or Colluſion ſhall be had in the making or ſtating of ſuch Accounts, the Perſon or Perſons Guilty of the ſame, ſhall over and above all former Penalties and Puniſhments, Forfeit the Sum of

IT is Humbly conceiv'd, That if the above-mention'd Clauſe ſhould be rejected, That the ſaid Bill will prove Difficient for the Ends deſign'd, and that for the following Reaſons.

THAT

First. THAT no Bills for Value of Prizes, to be made out according to the ſaid Act, can be ſo made out, while it is dubious and uncertain who the Perſons are that are Authoriz'd to do the ſame.

Secondly. UNTIL ſome certain Juriſdiction can be appointed for the aſcertaining of ſuch Agents, there can be no eſtabliſh'd Poſſeſſion taken for the benefit of the Captors, nor Sale or Diſtribution of ſuch Prizes, nor can any Account of the produce of the ſame be tranſmitted to the Treaſurer of *Greenwich-Hoſpital*, according to the Directions of the ſaid Act.

Thirdly. IF it happens that ſeveral Agents are appointed (which as the Law now ſtands may be done) and thoſe Agents differ among themſelves in ſtating of their Accounts. What Authority hath *Greenwich-Hoſpital* to compel them to come to an Account either between themſelves as Agents, or with the Captors that employ'd them.

Fourthly. THE Court of Admiralty (unleſs this Clauſe paſs) cannot nor will ever be able to certify to the Governor or Deputy-Governor of the ſaid *Hoſpital*, a Liſt of the Names of the Perſons ſo appointed Agents as aforeſaid, neither can the ſaid Court ever return any Certificate, relating to what remains undiſtributed of ſuch Prizes, 'till there has been ſome Diſtribution, which cannot be before a Receipt, nor a Receipt before an Agent.

Fifthly. IT will not be poſſible to recover the Penalties given by the ſaid Act againſt Agents who neglect or refuſe to Account, unleſs it can be known who ſuch Agents are, and if this Clauſe ſhould have no Retroſpection, Then all Agents who have ſince the VIth of the *Queen*, neglected to paſs their Accounts will eſcape with Impunity, and thereby intirely Defeat the Good deſign'd by this Bill.

Sixthly. THE Reaſons for Supporting this Juriſdiction in the Court of Admiralty, may be taken from the very Acts themſelves, which not only appoint ſuch Prizes to be there Condemn'd, but alſo the very Methods of ſuch Condemnation. And alſo gives the ſaid Court ſome Juriſdiction over the Agents, and therefore ſince by this preſent Act a Penalty is inflicted upon unaccounting Agents: It cannot be improper to intruſt that Court with a Power of determining who ſhall be Agent, and conſequently Subject to the Penalties in this Act. Otherwiſe if this Clauſe is not approv'd off, who are the Agents deſcrib'd who are to be liable to the Penalties in this Bill?

REASONS

FOR

Retaining of the Clauſe in the Greenwich-Hoſpital *BILL, relating to Agencies.*

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